

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff

v.

THE PREMISES AND REAL PROPERTY WITH  
BUILDINGS, APPURTENANCES, AND  
IMPROVEMENTS AT 5085 HUNTERS CREEK  
ROAD, WALES, NEW YORK, AND MORE  
PARTICULARLY DESCRIBED IN A CERTAIN  
DEED RECORDED IN THE ERIE COUNTY  
CLERK'S OFFICE IN LIBER 10963 OF  
DEEDS AT PAGE 362,

05-CV-0647-A

Defendant

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**ORDER FOR SETTLEMENT AND FORFEITURE**

Based upon the Stipulation and Order for Settlement and Forfeiture previously filed in the above captioned litigation and after review and due deliberation, it is hereby

ORDERED, that the claimant, Matthew Tucker, shall pay the sum of \$60,000.00 United States currency to the United States Marshals Service in the form of a certified check, bank draft or similar instrument in lieu of his interest in 5085 Hunters Creek Road, Wales, New York; and it is further

ORDERED, that upon the payment by claimant Matthew Tucker, the aforementioned \$60,000.00 is hereby forfeited to the United States of America pursuant to Title 21, United States Code, Section 881(a)(7) and shall be disposed of according to law; and it is further

ORDERED, that upon the payment of \$60,000 by claimant Matthew Tucker, the plaintiff shall release the lis pendens filed against the defendant real property in the Erie County Clerk's Office and shall have no further claim to the defendant real property based upon the events set forth in the complaint filed in this action; and it is further

ORDERED, that the claimants will take all reasonable actions in ensuring that the defendant real property is not utilized to facilitate any violation of the narcotics statutes and recognizes and acknowledges this continuing responsibility, including those provisions outlined in the Stipulation for Settlement and Forfeiture previously filed in this action; and it is further

ORDERED, that claimant Matthew Tucker will continue to maintain the defendant real property by paying all mortgage, utility and tax payments; and it is

ORDERED, that this action be and is hereby dismissed with each party to bear its own fees and expenses, except that this Court will retain jurisdiction of this matter in the event there is breach as to the terms of this agreement.

IT IS SO ORDERED.

                    /s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

DATED: March 28     , 2006